

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: DDAVP INDIRECT PURCHASER ANTITRUST LITIGATION	:	No. 05 Civ. 2237 (CS)
	:	
	:	HON. CATHY SEIBEL, U.S.D.J.
THIS DOCUMENT RELATES TO:	:	
	:	
ALL ACTIONS	:	

**DECLARATION OF JOHN A. MACORETTA IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES
AND REIMBURSEMENT OF EXPENSES FILED ON BEHALF OF
SPECTOR ROSEMAN KODROFF & WILLIS, P.C.**

I, John A. Macoretta, declare and state as follows:

1. I am a Partner of the law firm of Spector Roseman Kodroff & Willis, one of the lead counsel to Plaintiffs in this litigation. I am over 18 years of age and competent to testify as to the matters and facts set forth herein. I submit this Declaration in support of Plaintiffs' Motion For An Award Of Attorneys' Fees And Reimbursement Of Expenses, concerning services rendered and expenses incurred by my firm in connection with this litigation on behalf of Plaintiffs. The matters stated in this declaration are true based on my personal knowledge. If called upon to testify about them, I will competently do so.

2. During the period January 1, 2005 through August 30, 2013, my firm has been involved in all aspects of this litigation. My firm began investigating the Defendants' underlying patent litigation in early 2005. Our initial analysis included a review of the patents at issue and a review of the size and contours of the market for DDAVP. We discussed the potential claims with our client, Pennsylvania Employee Benefits Trust Fund (PEBTF), a labor-management trust fund organized under the laws of the Commonwealth of Pennsylvania, which provides comprehensive healthcare benefits, including prescription drug coverage, to its participants and beneficiaries. We then drafted and filed a complaint on behalf of the PEBTF. After filing our complaint we worked with other Plaintiffs and their counsel to create a leadership team, of which we are one of four lead firms. We then worked collectively to draft and file a 47 page Consolidated Class Action Complaint. We also worked with the Direct Purchaser Plaintiffs to coordinate and streamline the litigation. Throughout 2006 we monitored the appellate docket in the DDAVP patent litigation. We also helped to draft the opposition to the Defendants' voluminous Motion to Dismiss. While that motion was pending discovery began. This included

collecting documents and data from our client and the other lead Plaintiffs, drafting discovery to the defendants, and responding to the Defendants' discovery requests to Plaintiffs. The Defendants produced over 100,000 pages of discovery, which we helped to review and analyze.

In November 2006 this Court granted the Defendants' Motion to Dismiss. My firm assisted in researching and drafting our briefs for the Appeal to the Second Circuit. After the Second Circuit granted our appeal and returned the case to this Court, the Defendants filed a new Motion to Dismiss. We did substantial work in researching and responding to that motion. My firm worked closely with our co-lead counsel to coordinate a strategy during the negotiations that lead to the current settlement. Our work included reviewing potential damages and risks of continuing the litigation. We also assisted in drafting the notice and settlement materials and responding to complaints from class members.

3. The schedule attached hereto as **Exhibit 1** is a detailed summary indicating the amount of time spent by the partners, attorneys and other professional support staff of my firm who were involved in this litigation, and the lodestar calculation, based on my firm's current billing rates, for the period January 1, 2005 through August 30, 2013. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm and which are available for review by the Court.

4. The hourly rates for the partners, attorneys and professional support staff in my firm included in **Exhibit 1** are the same as the usual and customary hourly rates charged for their services.

5. The total number of hours expended on this litigation by my firm from January 1, 2005 through August 30, 2013 is 598 hours. The total lodestar for my firm is \$311,502.50. My firm's lodestar figures are based on the firm's current billing rates.

6. As detailed in **Exhibit 2**, my firm has incurred a total of \$13,898.20 in unreimbursed expenses during January 1, 2005 through August 30, 2013, in connection with the prosecution of this litigation on behalf of Plaintiffs.

7. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from contemporaneously maintained expense vouchers, check records and other source materials, and they represent an accurate recordation of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America and on personal knowledge that the foregoing is true and correct.

Executed on this 9th day of October, 2013.



John A. Macoretta

EXHIBIT A

In re DDAVP Indirect Purchaser Antitrust Litigation 05 -cv -2237 (SDNY)**SPECTOR ROSEMAN KODROFF & WILLIS PC****TIME REPORT INCEPTION through AUGUST 31, 2013**

											CURRENT		
Name	1	2	3	4	5	6	7	8	9	10	Hourly Rate	Current Hours	Current Lodestar
PARTNERS:													
Eugene A. Spector	1.00										\$750.00	1.00	\$750.00
Jeffrey L. Kodroff	36.75	11.00		4.25	0.50	6.00				20.75	\$710.00	79.25	\$56,267.50
John A. Macoretta	0.25	12.50				6.75				27.75	\$625.00	47.25	\$29,531.25
Jeffrey J. Corrigan		0.50		0.25		0.50					\$675.00	1.25	\$843.75
Theodore M. Lieverman	37.25	20.25		31.75		18.25			12.75	0.25	\$650.00	120.50	\$78,325.00
William G. Caldes				1.00							\$625.00	1.00	\$625.00
ASSOCIATES/OF COUNSEL:													
Marion H. Griffin				215.50							\$425.00	215.50	\$91,587.50
Daniel J. Mirachi				77.75		0.5					\$480.00	78.25	\$37,560.00
MaryAnne Geppert		3.5									\$425.00	3.50	\$1,487.50
Jennifer L. Enck				3.00							\$250.00	3.00	\$750.00
Rachel E. Kopp	4.75			20.50							\$405.00	25.25	\$10,226.25
PARALEGALS:													
Gerri DeMarshall				1.75							\$210.00	1.75	\$367.50
Chuck Briglia				0.75							\$205.00	0.75	\$153.75
Nicole M. Noronha				12.00							\$145.00	12.00	\$1,740.00
Alicia M. Sandoval				4.75							\$170.00	4.75	\$807.50
Julie C. Walheim				3.00							\$160.00	3.00	\$480.00
TOTALS												598.00	\$311,502.50

CATEGORIES

- 1 Case Assessment, Pre-Filing Investigation, Initial Complaint
- 2 Briefs, Motions, Pleadings, Legal Research
- 3 Class (certification briefing, class discovery, class rep contacts)
- 4 Discovery (merits but not class) and Post-Filing Fact Investigation
- 5 Experts/Consultants
- 6 Case Management and Strategy
- 7 Court Appearances & Preparation
- 8 Trial
- 9 Appeals
- 10 Settlement

EXHIBIT B

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Expense Report Summary

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Selection Criteria

Slip Classification	Open
DEFE Selection	Include: DDAVP
ATTO Selection	Include: THE FIRM \$\$
Slip Date	Earliest - 8/31/2013

Totals for Amount 2

Activity: \$ASSESSMENTS

THE FIRM \$\$ \$9,500.00

\$ASSESSMENTS \$9,500.00Activity: \$COPY IN-HOUSE

THE FIRM \$\$ \$141.75

\$COPY IN-HOUSE \$141.75Activity: \$FILING COSTS

THE FIRM \$\$ \$225.00

\$FILING COSTS \$225.00Activity: \$LD TEL/FAX

THE FIRM \$\$ \$56.75

\$LD TEL/FAX \$56.75Activity: \$LEXIS/RSRCH

THE FIRM \$\$ \$918.00

\$LEXIS/RSRCH \$918.00Activity: \$POSTAGE

THE FIRM \$\$ \$167.87

\$POSTAGE \$167.87

9/3/2013
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Expense Report Summary

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Totals for	Amount 2
<hr/>	
Activity: \$RESEARCH	
THE FIRM \$\$	\$87.37
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\$RESEARCH	\$87.37
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Activity: \$WESTLAW	
THE FIRM \$\$	\$2,801.46
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\$WESTLAW	\$2,801.46
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Grand Total	\$13,898.20
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